

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:17-cr-00124-JAD-EJY

Plaintiff,

ORDER

v.

DAMIEN NORRIS,

Defendants.

Before the Court is Defendant's Second Motion to Compel Defense Counsel to Surrender the Case File (ECF No. 520). As indicated by its name, this is Defendant's second motion for the same relief. Defendant's First Motion (ECF No. 494) was granted in part and denied in part (ECF No. 497). The Court previously ordered defense counsel Julian Gregory to file a status report with no later than August 18, 2020, addressing, *inter alia*, Defendant's request for his case file. *Id.* On August 17, 2020, Mr. Gregory filed the requested status report stating:

Counsel can represent, as an officer of the court, that in the most recent correspondence to Mr. Norris, counsel's office included (1) the Ninth Circuit docket report, (2) the Order Appointing Counsel, (3) the Notice to Court seeking an extension related to the COVID-19 outbreak, (4) the Opening Brief, and (5) the Excerpts of Record.

Counsel is in possession of Mr. Norris's case file from trial counsel, but much of that file is not redacted with regard to personal identifying characteristics of witnesses or is otherwise not permitted within BOP facilities. To ensure that counsel is not unknowingly providing contraband to his client, counsel must go through the case file with the proverbial fine-toothed comb, redacting personal identifiers. This is no small task, especially given that, as a direct result of the COVID-19 outbreak, counsel has been forced to reduce his office staff's hours and encourage working from home to the extent possible.

Counsel is working in good faith on Mr. Norris's appeal, and on providing Mr. Norris his necessary copies of his documents within the bounds of ethics and BOP regulations. Counsel would ask this Court and Mr. Norris for their patience and understanding given the extenuating circumstances.

ECF No. 501. It is unclear if Mr. Gregory was able to produce materials to Defendant after the date of his status report.

1 Accordingly, IT IS HEREBY ORDERED that Defendant's Second Motion to Compel
2 Defense Counsel to Surrender the Case File (ECF No. 520) is GRANTED only to the extent the
3 Court requires counsel for Defendant to update the Court, within ten (10) days of the date of this
4 Order, on the status of providing copies of materials to Defendant.

5 IT IS FURTHER ORDERED that Defendant's Second Motion to Compel Defense Counsel
6 to Surrender the Case File (ECF No. 520) is otherwise DENIED.

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8 Dated this 19th day of January, 2021.

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12 ELAYNA J. YOUCHAH
13 UNITED STATES MAGISTRATE JUDGE
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